

1 STEVEN BENITO RUSSO
Chief of Enforcement
2 JULIA BILAVER
Commission Counsel
3 FAIR POLITICAL PRACTICES COMMISSION
4 428 J Street, Suite 620
Sacramento, CA 95814
Telephone: (916) 322-5660
5 Attorneys for Complainant
6
7

8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA
10

| | | |
|-----------------------------------|---|---------------------------|
| 11 In the Matter of |) | FPPC No.: 01/307 |
| |) | |
| |) | |
| 12 |) | |
| 13 NEW DEMOCRAT NETWORK AND SIMON |) | STIPULATION, DECISION and |
| 14 ROSENBERG, |) | ORDER |
| |) | |
| |) | |
| 15 |) | |
| |) | |
| 16 Respondents. |) | |
| |) | |

17
18 Complainant Mark Krausse, Executive Director of the Fair Political Practices Commission, and
19 Respondents New Democrat Network and Simon Rosenberg hereby agree that this stipulation will be
20 submitted for consideration by the Fair Political Practices Commission at its next regularly scheduled
21 meeting.

22 The parties agree to enter into this stipulation to resolve all factual and legal issues raised by this
23 matter and to reach a final disposition without the necessity of holding an administrative hearing to
24 determine the liability of Respondents.

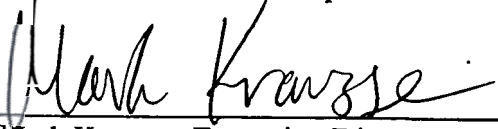
25 Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural
26 rights set forth in sections 83115.5, 11503, and 11523 of the Government Code, and in section 18361 of
27 title 2 of the California Code of Regulations. This includes, but is not limited to, the right to personally
28 appear at any administrative hearing held in this matter, to be represented by an attorney at
Respondents' own expense, to confront and cross-examine all witnesses testifying at the hearing, to

1 subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over
2 the hearing as a hearing officer, and to have the matter judicially reviewed.

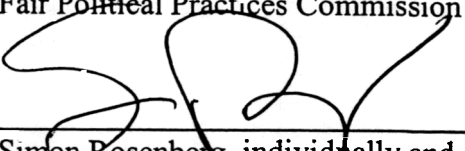
3 It is further stipulated and agreed that Respondents violated the Political Reform Act by failing
4 to file two paper pre-election campaign statements, in violation of section 84200.5, subdivision (d) of
5 the Government Code (2 counts), and by failing to file an electronic pre-election campaign statement, in
6 violation of 84605, subdivision (b), of the Government Code (1 count), as described in Exhibit 1.
7 Exhibit 1 is attached hereto and incorporated by reference as though fully set forth herein. Exhibit 1 is a
8 true and accurate summary of the facts in this matter

9 Respondents agree to the issuance of the decision and order, which is attached hereto.
10 Respondents also agree to the Commission imposing upon them an administrative penalty in the amount
11 of Five Thousand Five Hundred Dollars (\$5,500). A cashier's check from Respondents in said amount,
12 made payable to the "General Fund of the State of California," is submitted with this stipulation as full
13 payment of the administrative penalty, and shall be held by the State of California until the Commission
14 issues its decision and order regarding this matter. The parties agree that in the event the Commission
15 refuses to accept this stipulation, it shall become null and void, and within fifteen (15) business days
16 after the Commission meeting at which the stipulation is rejected, all payments tendered by Respondents
17 in connection with this stipulation shall be reimbursed to Respondents. Respondents further stipulate
18 and agree that in the event the Commission rejects the stipulation and a full evidentiary hearing before
19 the Commission becomes necessary, neither any member of the Commission, nor the Executive
20 Director, shall be disqualified because of prior consideration of this stipulation.

21
22 Dated: May 25, 2004


Mark Krausse, Executive Director
Fair Political Practices Commission

23
24
25 Dated: 5/19/04


Simon Rosenberg, individually and on behalf of New
Democrat Network, Respondents

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

IT IS SO ORDERED.

Liane M. Randolph, Chairman
Fair Political Practices Commission